

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**  
**OFFICE OF THE STATE FIRE MARSHAL**  
**RUBEN GRIJALVA, STATE FIRE MARSHAL**



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October 21, 2004

Re: UL 300 – Further Study

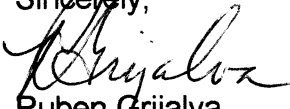
The purpose of this notice is to inform all stakeholders of the status of the Office of the State Fire Marshal's proposed Emergency Rulemaking to the California Fire Code addressing the adoption by reference of the Underwriters Laboratory (UL) 300, *"Fire Testing of Fire Extinguishing Systems for the Protection of Restaurant Cooking Areas"* and the associated amendments to the California Fire Code.

Under the mandates of the "Administrative Procedures Act" on the subject of rulemaking, I have determined that this proposal is not ready for emergency adoption as a retroactive requirement and have withdrawn the proposal from submission to the California Building Standards Commission for immediate consideration for the reasons stated below:

- I have determined that the proposed regulations were not adequately presented to effected stakeholders to determine the fiscal and operational impacts, if any, should these regulations be adopted and enforceable in a retroactive manner.
- It is not known what the effect of these proposed regulations may have on the local fire authorities in granting a "certification of compliance" to business owners of commercial cooking operations that would be required to comply with these regulations.
- Additional data is needed to determine that an emergency adoption is necessary for California. Additional data is also necessary to determine the necessity for the retroactive application of these provisions.
- Under Government Code section 11340.5, the Office of the State Fire Marshal's "Informational Bulletin, UL 300- Commercial Kitchen Hood Systems" issued on June, 16, 2004 and revised on June 23, 2004 may be considered an "underground regulation." For that reason the bulletin will be removed from the State Fire Marshal's web page until such time that a thorough review has been conducted. Determination that a fire hazard exists is a local issue to be determined by the Authority Having Jurisdiction.

It is my intent to quickly bring together all stakeholders to address my concerns and to determine an appropriate course of action for California regarding the requirement for retroactive compliance with UL 300. If you have further questions regarding this matter please contact James Parsegian, Deputy State Fire Marshal III, at (916) 445-6787.

Sincerely,

  
Ruben Grijalva  
State Fire Marshal